IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

CHAMBER SUMMONS NO.443 OF 2005
IN
SUIT NO. 1335 OF 1998

GIC Employees Sonal Vihar Co-op Hsg. Soc.	....	Plaintiffs
vs.		
Shri P.H, Vaity and Ors.	....	Defendants
ABD		
Chitralekha Builders and Ors	....	Respondents

H.N. Thakore for plaintiff no.1.

Mr. B.S. Shetty for the defedndant no.55/56.

D.D. Madon i/b. A.C. Mahimkar for the respondents.

Bimal i/b. APGE and Co. for defendant no. 1 to 52.

CORAM: S.U. KAMDAR, J.

DATE : 4TH APRIL, 2005.

P.C. :

1. By consent of the parties chamber summons taken on board and taken up for hearing.

2. Mr. Madon learned counsel for the defendant

no.54 and respondent no.2 objects to the amendment in terms of para 1, 3 and 20 the schedule of the chamber summons. The objection is raised on the ground that respondent no.2 is unnecessary if added, as respondent no.2 and defendant no.54 are nothing but one and the same persons. In so far as respondent no.1 is concerned my attention is drawn that one chamber summons was taken out being no. 1334 of 2004 to add the respondent no.1 as party by order and judgment dated 26.10.2004. The said chamber summons was dismissed as not maintainable. The learned counsel appearing for the respondent no.1 has tendered an affidavit dated 4.4.2005 and has contended that he is seeking to review the order passed by Vazifdar, J dated 26.10.2004. As of today the said order stands and therefore respondent no.1 cannot be added as party to the present suit. In an event if the review petition is allowed the respondent no.1 is at liberty to take out appropriate proceedings. In view thereof the chamber summons is made absolute in terms of prayer (a) subject to following directions,

. that the amendment in terms of para-1,2 and 20 of the schedule will be carried out

. that all reference made in the remaining paragraphs to the respondent no.1 as 2 and defendant no.55 as 56 be deleted from the said proposed amendment.

. Chamber summons disposed off accordingly.

. Amendment to be carried out forthwith.

sd/-

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